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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,736	01/07/2004	Janani Janakiraman	AUS920030979US1	4736
35525	7590	10/06/2005	EXAMINER	
IBM CORP (YA)				GAUTHIER, GERALD
C/O YEE & ASSOCIATES PC				ART UNIT
P.O. BOX 802333				PAPER NUMBER
DALLAS, TX 75380				2645

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/752,736	JANAKIRAMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/7/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim(s) 1** recites the limitation "said modified telephone call tree" in lines 8, 9 and 11. There is insufficient antecedent basis for this limitation in the claim.

**Claim(s) 11** recites the limitation "said modified telephone call tree" in line 15.

There is insufficient antecedent basis for this limitation in the claim.

3. **Claim(s) 17** recites the limitation "said modified telephone call tree" in lines 12 and 13. There is insufficient antecedent basis for this limitation in the claim.

**Claim(s) 2-10, 12-20 and 18-20** are rejected for being dependent of **claim(s) 1, 11 and 17** respectively.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim(s) 1-4, 6, 8-13 and 15-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf (US 5,737,393).

Regarding **claim(s) 1 and 17**, Wolf discloses a method for interacting with a telephone call tree (FIG. 2 and column 1, lines 9-11), comprising the steps of: accessing a telephone call tree (FIG. 2 and column 1, lines 9-11); identifying a plurality of nodes of said telephone call tree, said plurality of nodes associated with an interest to a user said telephone call tree (FIG. 2 and column 3, lines 57-67); and associating an instruction set with at least one node of said plurality of nodes of said modified telephone call tree, said instruction set mapping said respective identifier for each said node of said plurality of nodes of said modified telephone call tree respective identifier of at least one node of a plurality of nodes of said telephone call tree (FIG. 2 and column 4, lines 9-27).

Regarding **claim(s) 2, 12 and 18**, Wolf discloses a method, wherein the accessing step comprises the steps of: accessing a hyper-link, said hyper-link including a network address associated with said telephone call tree (FIG. 1A and column 3, lines 57-67); and

downloading said telephone call tree (FIG. 1A and column 3, lines 57-67).

Regarding **claim(s) 3, 16 and 19**, Wolf discloses a method, further comprising the steps modifying said telephone call tree to produce a modified telephone call tree, said modified call tree including said identified plurality of nodes (FIG. 1A and column 4, lines 9-27); and

assigning a respective identifier to each node of said plurality of nodes of said modified telephone call tree (FIG. 1A and column 4, lines 9-27).

Regarding **claim(s) 4**, Wolf discloses a method, wherein the accessing step comprises the steps of: accessing a data storage location associated with an automated telephone answering system (FIG. 2 and column 7, lines 11-30); and

downloading said telephone call tree from said data storage location (FIG. 2 and column 7, lines 11-30).

Regarding **claim(s) 6 and 15**, Wolf discloses a method, wherein the steps are performed with a computer (FIG. 1A and column 3, lines 9-30).

Regarding **claim(s) 8**, Wolf discloses a method, wherein said respective identifier comprises a respective number associated with said each node of said plurality of nodes of said modified telephone call tree (FIG. 1A and column 4, lines 38-50).

Regarding **claim(s) 9**, Wolf discloses a method, wherein said instruction set comprises a set of software instructions (FIG. 1A and column 3, lines 9-30).

Regarding **claim(s) 10**, Wolf discloses a method, wherein said instruction set comprises a software macro (FIG. 1A and column 3, lines 9-30).

Regarding **claim(s) 11**, Wolf discloses all the limitations of **claim(s) 11** as stated in **claim(s) 1**'s rejection and furthermore Wolf discloses an automated telephone answering system (26 on FIG. 1A) and a communication unit (24 on FIG. 1A).

Regarding **claim(s) 13**, Wolf discloses a system, wherein said communication unit is further operable to: retrieve said at least one of said modified telephone call tree and said telephone call tree (FIG. 5 and column 6, lines 11-28); and display said retrieved said at least one of said modified telephone call tree and said telephone call tree (FIG. 5 and column 6, lines 11-28).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claim(s) 5, 7, 14 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Espejo et al. (US 6,748,066 B1).

Regarding **claim(s) 5 and 14**, Wolf as applied to **claim(s) 1 and 11** differs from **claim(s) 5 and 14** in that it fails to disclose the steps are performed with a wireless telephone.

However, Espejo teaches a method, wherein the steps are performed with a wireless telephone (FIG. 2 and column 3, lines 57-66).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Wolf using the wireless interactive voice response system as taught by Espejo.

This modification of the invention enables the system to perform with a wireless telephone the invention so that the user would have a prepaid service in its mobile phone.

Regarding **claim(s) 7 and 20**, Espejo teaches a method, wherein the steps are performed with a wireless communication device (FIG. 2 and column 3, lines 57-66).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**  
g.g.  
September 28, 2005

*Allan Hoosain*  
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